

Customer No.: 31561
Application No.: 10/604,571
Docket NO.: 10676-US-PA

REMARKS

Present Status of the Application

The Office Action objected to the disclosure because of some informalities. The Office Action objected to the claim 1 because of some informalities. The Office Action rejected the claim 7 under 35 U.S.C. 112, second paragraph, as being indefinitely for failing to particularly point out and distinctly claim the subject matter as the invention. The Office Action rejected claims 1-11 under 35 U.S.C. 103(a), as being unpatentable over Chen et al (U.S. 2003/0118921, "Chen" hereinafter) in view of Nishida et al (U.S. 2002/0159016, "Nishida" hereinafter). Applicant has amended the specification to overcome the objection and have amended claim 1 to improve clarity. Applicant has amended claim 7 to particularly point out and distinctly claim the subject matter as the invention and new claims 12-14 are added to further point out and distinctly claim the subject matter as the invention. After entry of the foregoing amendments, claims 1, 3-9 and 11-14 remain pending in the present application, and reconsideration of those claims is respectfully requested.

Discussion of objections

According to the OFFICE ACTION, the disclosure and claim 1 is objected to because of some informalities. The specification and claim 1 is amended to overcome the objections.

The Office Action rejected the claim 7 under 35 U.S.C. 112, second paragraph, as being indefinitely for failing to particularly point out and distinctly claim the subject

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matter as the invention. Applicant has amended claim 7 to particularly point out and distinctly claim the subject matter as the invention. More particularly, claim 7 is amended to claim that "the red film layers, the green film layers, and the blue film layers are arranged into a mosaic type". New claims 12-14 are respectively added to particularly claim that the red film layers, the green film layers, and the blue film layers are arranged into a "stripe type", a "four pixel type", and a "triangle type."

It is believed that the objections and the rejection under 35 U.S.C. 112, second paragraph, are overcome and reconsideration is respectfully requested.

Discussion of Office Action Rejections

The Office Action rejected claims 1-11 under 35 U.S.C. 103(a), as being unpatentable over Chen et al (U.S. 2003/0118921, "Chen" hereinafter) in view of Nishida et al (U.S. 2002/0159016, "Nishida" hereinafter). Applicant respectfully traverses the rejections for at least the reasons set forth below.

It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all features of the claim at issue.

Independent claim 1, as amended, recites the following:

Claim 1. (currently amended) A structure of color filter, comprising:
a substrate;
a black matrix (BM), disposed over the substrate, wherein the BM includes grid regions exposing the substrate; and
a plurality of color film layers, disposed within the grid regions, wherein a width of an overlapping region between the color film layers and the BM is 0-6.0 microns, wherein a thickness of the color

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film layers is equal to a thickness of the BM, and a thickness b of the color film layers at the overlapping region is 0-1.0 microns.

Independent claim 1 is allowable for at least the reason that the combination of Chen in view of Nishida at least does not disclose, teach, or suggest the feature “wherein a thickness of the color film layers is equal to a thickness of the BM” and “a thickness b of the color film layers at the overlapping region is 0-1.0 microns” as claimed in claim 1.

More specifically, it is asserted in the Office Action that “Chen discloses the thickness of the color filter layer is 0.2-1.2 micron [Para. 0021 of page 2]. It has been judicially determined that overlapping ranges are at least obvious. The range, 0-1.0 microns is the thickness of the color filter layers overlapping the black matrix.” Applicant respectfully traverses the assertions and the rejection therefrom. Chen does not disclose, teach, or suggest “a thickness b of the color film layers at the overlapping region is 0-1.0 microns.” The thickness of the color filter layer is 0.2-1.2 micron, as disclosed in Chen, does not render the feature of “a thickness b of the color film layers at the overlapping region is 0-1.0 microns” obvious. The thickness of the color film layers at the overlapping region is different from the thickness of the color filter layer.

It is further asserted in the Page 4 of the Office Action stating that “subtraction of the thickness of the black matrix strengthens the argument.” Applicant respectfully traverses the assertions and the rejection therefrom. The thickness of the black matrix is different from the thickness of the color film layers at the overlapping region, as claimed in claim 1. Even the Nishida discloses the width of the black matrix is 6.0 micron [Figure2], it does not remedy the deficiency of the Chen. That is, Chen, alone or

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combined with the Nishida, not disclose, teach, or suggest, either implicitly or explicitly, all features of the claim 1 at issue.

For more clearly define the invention, the claim 1 is amended to introduce the feature that "a thickness of the color film layers is equal to a thickness of the BM", which the Chen, alone or combined with the Nishida, not disclose, teach, or suggest, either implicitly or explicitly, the added feature at issue.

Consequently, the combination of Chen in view of Nishida does not render claim 1 obvious, and the rejection should be withdrawn.

With the same reasons, independent claim 11 is also allowable for at least the reason that the combination of Chen in view of Nishida at least does not disclose, teach, or suggest the feature "a thickness of the color film layers is equal to a thickness of the BM" and "a thickness b of the color film layers at the overlapping region is 0-1.0 microns" as claimed in claim 11.

Because independent claim 1 is allowable over the prior art of record, its dependent claims 3-9 and 12-14 are allowable as a matter of law, for at least the reason that these dependent claims contain all features of their respective independent claim 1.

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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1, 3-9 and 11-14 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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